

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN TECHNICAL
REPRESENTATIVES, INC.,

Plaintiff,

Case No. 04-73648

v.

HONORABLE DENISE PAGE HOOD

SPECIALTY ELASTOMERS
TECHNOLOGIES, INC. and
MOLD-EX INC.,

Defendants.

ORDER

and

NOTICE OF HEARING/SCHEDULING CONFERENCE

I. DEFENDANT MOLD-EX

On June 7, 2007, the Court entered an Order granting Daniel J. Bretz's Motion to Withdraw as counsel for Defendant Mold-Ex, Inc. Defendant Mold-Ex was given sixty (60) days from the date of the Order to retain new counsel. A status conference was scheduled for July 30, 2007. No one appeared on behalf of Defendant Mold-Ex at the July 30, 2007 status conference. On August 13, 2007, the Court issued an Order to Show Cause why Judgment should not be entered against Defendant Mold-Ex, Inc. since no attorney had filed an appearance on behalf of Defendant Mold-Ex. No one appeared on behalf of Defendant Mold-Ex at the scheduled September 6, 2007 Order to Show Cause hearing date.

In federal court, only attorneys may represent corporations. 28 U.S.C. § 1654; *United States v. 9.19 Acres of Land, More or Less, in Marquette County, Michigan*, 416 F.2d 1244, 1245 (6th Cir. 1969); *Chaltry v. Ollie's Idea, Inc.*, Case No. M-76-26-CA-2, 1980 WL 2078 (W.D. Mich. 1980).

Because no one has appeared on behalf of Defendant Mold-Ex to defend this action, the Court finds that default and default judgment will be entered against Defendant Mold-Ex pursuant to Fed. R. Civ. P. 55(b)(1) and (2) for failure to defend this action. Plaintiff will have the opportunity to present its proof on damages.

II. MOTION TO FILE SECOND AMENDED COMPLAINT

The original Complaint in this matter was against Defendants Mold-Ex and Specialty Elastomers Technologies, Inc. Pursuant to the Stipulation of the parties, Plaintiff filed an Amended Complaint on December 19, 2005 against Defendant Mold-Ex only. On January 5, 2007, Plaintiff filed a Motion to File a Second Amended Complaint adding back Defendant Specialty Elastomers Technologies, Inc. For the reasons set forth on the record at the September 7, 2007 hearing, the Court grants Plaintiff's Motion to File a Second Amended Complaint.

III. CONCLUSION

For the reasons set forth above,

IT IS ORDERED that Default and Default Judgment be entered against Defendant Mold-Ex for failure to defend this action.

IT IS FURTHER ORDERED that Defendant Mold-Ex's Motion for Summary Judgment (**Docket No. 42, filed December 15, 2006**) is MOOT, Defendant Mold-Ex having abandoned its defense of the case and essentially withdrawing its motion.

IT IS FURTHER ORDERED that Plaintiff's Motion to File a Second Amended Complaint (**Docket No. 44, filed January 5, 2007**) is GRANTED. Plaintiff must file its Second Amended Complaint within ten (10) days from the entry of this Order. Plaintiff must serve Defendant Specialty Elastomers with a copy of this Order, along with the Second Amended Complaint.

IT IS FURTHER ORDERED that a hearing on damages will be scheduled for **Wednesday, December 12, 2007, 2:00 p.m.** Plaintiff must file its statement and appropriate evidentiary support for the requested damages by **November 21, 2007.**

IT IS FURTHER ORDERED that if Defendant Specialty Elastomers has been served and filed an Answer to the Second Amended Complaint before the December 12, 2007, defense counsel for Defendant Specialty Elastomers, along with Plaintiff's counsel, must appear at the December 12, 2007 hearing date in order for the Court to hold a scheduling conference on the matter.

s/ DENISE PAGE HOOD

DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

DATED: October 31, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 31, 2007, by electronic and/or ordinary mail.

S/William F. Lewis

Case Manager